

**Remarks**

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Office Action provided on November 24, 2003.

Applicant would also like to express their appreciation to the Examiner for the acknowledgment of Applicant's Information Disclosure Statement filed on January 11, 2002, by return of the Form PTO-1449, and for the acknowledgement of Applicant's Claim of Priority and receipt of the Certified Copy of the priority document.

Upon entry of the above amendments, claims 1 and 4 will have been amended. Thus, claim 1-6 are currently pending.

On pages 2-4 of the Office Action, the Examiner has rejected claims 1-6 under 35 U.S.C §103(a) as being unpatentable over Kotmel et al.(U.S. Patent No. 6,585,639) in view of Ouchi(U.S. Patent No.4,784,464). Applicant respectfully traverses the rejection of claims 1-6 under 35 U.S.C §103(a).

Upon entry of the above amendments, Claim 1 and 4 further include, *inter alia*, "a plurality of components inserted and arranged inside said flexible tube inner diameter." Applicant notes that the above amendment merely clarifies the previously recited feature of the construction of the flexible tube having an inner diameter, with the components located inside

the inner diameter of the flexible tube, which clearly distinguishes over the viewing scope 14, or flexible elongated body 16 (see Fig.1, Fig 2A, 2B) of Kotmel et al.

Applicant points out that Kotmel et al. fail to disclose *a flexible tube* having *an inner diameter*, much less a plurality of components that are arranged *inside the inner diameter*. In particular each of the viewing bundle 40 and the illumination bundle are not within a tube having a common inner diameter. Thus, even assuming, arguendo, that the combination of the teachings of Kotmel and Ouchi is proper, such combination would not result in Applicant's claimed invention.

Applicant also submits that dependent claims 2, 3, 5 and 6, which are patentable at least due to their dependency from a respective one of claims 1 and 4 for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record.

As mentioned above, Kotmel et al. fail to disclose, in the claimed combinations, a flexible tube having an inner diameter within which a plurality of components are arranged nor does the Examiner even assert that Ouchi discloses this feature, in the claimed combinations. Additionally, there is nothing in any of the applied prior art to suggest the combination of the teachings proposed by the Examiner in the above-noted rejections. Therefore, it is submitted that the Examiner's rejections of these claims is inappropriate and improper. Thus, Applicant respectfully submits that the

above-noted rejections are all improper for this additional reason, and each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. § 103.

## CONCLUSION

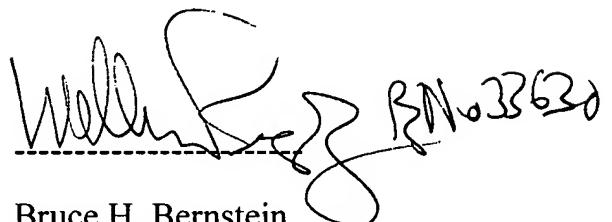
In view of the foregoing, it is submitted that the present amendment is proper for entry and that none of the references of record either taken alone or in any proper combination thereof, render obvious the Applicant's invention as recited in each of claims 1-6. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions concerning this response, or the present application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Teruo OUCHI



Handwritten signature of Bruce H. Bernstein, appearing to read "Bruce H. Bernstein BN 33630".

Bruce H. Bernstein

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